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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,076	11/03/2003	Rudy Kraus	60210 (50282)	3730
7590	08/05/2005			EXAMINER
Charles N J Ruggiero Esq Ohlandt Greeley Ruggiero & Perle LLP One Landmark Square 10th Floor Stamford, CT 06901-2682			PONOMARENKO, NICHOLAS	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/700,076	KRAUS, RUDY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nicholas Ponomarenko	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 18-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 18-49 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3 pages</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Drawings***

1. The subject matter of this application admits of illustration by a proper drawing(s) to facilitate understanding of the invention. Applicant is required to furnish a new or revised drawing(s) under 37 CFR 1.81. No new matter may be introduced in the required drawing.

Applicant is given a THREE MONTH time period to submit a drawing in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit a drawing will result in **ABANDONMENT** of the application.

2. The drawings are objected to under 37 CFR 1.83 (b) because they are incomplete. 37 CFR 1.83 (b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and

appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are incomplete because there are no a single drawing, which would illustrate the invention **as it is claimed**. Drawings replete with unnecessary engineering details but **do not provide** to one of ordinary skill in the art **the structural concept(s) and/or features of the claimed invention** as is required under 37 CFR 1.83.

The drawings are also objected to because no drawing or view is present to be suitable for publication in the **Official Gazette** as required per MPEP 608.02(j). Correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 18-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims 18-46 are generally narrative and indefinite, failing to conform with current U.S. practice, because the language of the claims 18-46 do not provide desired clarity and precision, since the scope of the invention sought to be patented cannot be determined from the language of the claim with a reasonable degree of certainty. *In re Wiggins*, 488 F.2d 538, 179 USPQ 421 (CCPA 1973).

Claims 18-46 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

the general electrical scheme, which would show or teach the interconnections and/or functional cooperations between elements of the scheme, which would be understood as one scheme and be functional. Such scheme is absent from the drawings (see above) and is not properly disclosed and claimed.

The specificity in claiming must be in such words, which would provide structural elements to enable one of ordinary skill in the art to interpret the claimed invention in a specific definite way, since the presently claimed invention is so broadly claimed that makes it open to numerous interpretations and readings, which does not provide the desired protection of the claimed invention.

Specifically,

Claims 18, 30 and 44 are vague and indefinite, and incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01.

Claim 30 recites the limitation "voltages are employed". There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "flywheel that stores energy" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 is incomprehensible.

In claim 26 and 33 the phrase "selected from the group" has insufficient antecedent basis for this limitation in the claim.

Claim 32 has no antecedent basis for selection between first and second voltages.

Claim 36 recites the limitation "flywheel that stores energy" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 42 recites the limitation "selected from the group". There is insufficient antecedent basis for this limitation in the claim.

Claim 43 recites the limitation "utilizes". There is insufficient antecedent basis for this limitation in the claim.

Claim 44 recites the limitation "utilizes" in last line. There is insufficient antecedent basis for this limitation in the claim.

Claim 45 recites the limitation "selected". There is insufficient antecedent basis for this limitation in the claim.

Claim 46 recites the limitation "utilizes". There is insufficient antecedent basis for this limitation in the claim.

In Claim 46, words "other than" are indefinite.

Claims 19-21, 23, 24, 27-29, 31, 35 and 37-41 are indefinite because they depend on the rejected claim and do not correct the noted problem.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. As far as they can be understood and interpreted Claims 18, 30 and 44 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by a simple electrical circuit resistance divider. The claimed functions can be easily accomplished with such resistance divider by one of ordinary skill in the art.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. As far as they can be interpreted, Claims 18-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kofink (US 4,239,978) or Gilbreth et al. (US 6,487,096) and further in view of Pinkerton et al. (US 6,463,738) or common knowledge in the art.

The test for obviousness is not whether the features of one reference may be bodily incorporated into the other to produce the claimed subject matter but simply what the combination of references makes obvious to one of ordinary skill in the pertinent art.

*In re Mapelsden*, 51 CCPA 1123, 329 F.2d 321, 141 USPQ 30 (1964).

*In re Henley*, 44 CCPA 701, 239 F.2d 3, 112 USPQ 56 (1956).

*In re Bozek*, 163 USPQ 545 (1969).

It is understanding of the examiner, that applicant claims power distribution system with one or two, or three independent high power sources, which are converted to a lower voltage level, which is 1/10 of the high voltage level.

It is well known in the art how to design a power distribution system with multiple power sources for back-up or redundancy, or for achieving uninterruptible power supply. Applicant failed to show that his system is different from the common design by having some kind of unusual result or effect and it appears that what is claimed is within the capabilities of an ordinary designer or is just a design choice.

Kofink and Gilbreth et al. teach the claimed system with two alternate power sources, with two voltage levels, essentially as claimed, but fail to show a flywheel as an alternate power source, which is done by the Pinkerton et al.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to design power distribution system as taught by Kofink and Gilbretjh et al. and to add flywheel power source as taught by Pinkerton et al. in order to have more reliable system.

The claimed power distribution system is also easily achievable by a common electrical scheme design practice.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant(s) disclosure.

10. When the claims are amended, applicant(s) should state in detail where in the original disclosure or in the drawings the amended features find support. **No new matter may be introduced.**

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Ponomarenko whose telephone number is (571) 272- 2033, Fax: (571) 273-2033, or to his SPE Darren Schuberg – (571) 272-2044.

12. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2800 Customer Service  
Phone: (571) 272-2815

np  
August 3, 2005



**Nicholas Ponomarenko  
Primary Examiner  
Technology Center 2800**